



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,649	06/26/2006	Dirk Gandolph	PDO40002	8142
24498	7590	06/30/2008		
Joseph J. Laks			EXAMINER	
Thomson Licensing LLC			DASGUPTA, SOUMYA	
2 Independence Way, Patent Operations				
PO Box 5312			ART UNIT	
PRINCETON, NJ 08543			PAPER NUMBER	
			2176	
			MAIL DATE	
			DELIVERY MODE	
			06/30/2008	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/584,649

Applicant(s)

GANDOLPH ET AL.

Examiner

SOUMYA DASGUPTA

Art Unit

2176

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 1215 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is the initial office action based on 10/584649 application filed on 6/26/2006. Claims 1-7 and 12-14, as originally filed, are currently pending and have been considered below. Claims 8-11 have been cancelled. Claims 1, 13, and 15 are independent claims.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not give detail on the intended scope of "optical storage medium" recited in Claim 15.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5:

The phrase "number from among the available menu pages within the defined range the next higher page number relative to the page number of said first menu page is selected if the numeric value indicates a higher page number than the page number of the first menu page" is confusing and not clearly understood by one of ordinary skill in the art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gordon et al (US 2002/0013944; PG Pub Date; Jan 31, 2002; Patent Filing Date: Aug 6, 2001; Continuation of Application No. 09/086,799 Date: May 29, 1998; hereafter Gordon.)

Claim 1:

Gordon discloses:

The method for automatically generating an electronic menu including a plurality of menu pages, wherein menu pages contain selectable menu items with associated commands to be executed upon activation of the respective menu item, wherein associating a page number with each menu page; (Fig 5-6→ Gordon

discloses "automatically generating an electronic menu including a plurality of menu pages" in that a list of categories are produced in a menu-like system. Fig 5-6 → Gordon discloses "menu pages contain selectable menu items with associated commands to be executed upon activation of the respective menu item" in that the user can click on the hyperlink from the tree-menu. Fig 5-6 → Gordon discloses "associating a page number with each menu page" in that each menu selection has a pointer associated with it. On Fig 5-6, the user can click the down command to view more menu options. Moreover, the examiner notes that "page number" are functionally equivalent to a linked list structure of pointers to a new page; therefore, menus that have selectable items have pointers to a new submenu or a selection.)

a first menu page containing at least one menu item with an associated command and associated data, wherein the command associated with the menu item comprises switching to another menu page; (Fig 5-6 → Gordon discloses "a first menu page containing at least one menu item with an associated command and associated data, wherein the command associated with the menu item comprises switching to another menu page" in that the user can select the items from a menu to either view more submenus or initiate a command for a function.)

defining a range of page numbers based upon said data associated with said command; (Fig 5-6 → Gordon discloses "defining a range of page numbers based upon said data associated with said command" in that the menu contains a list of

selections of a sub-menu because the page numbers are functionally equivalent to pointers that designate a selection or a new sub-menu.)

detecting the page numbers of the available menu pages; (Fig 4→ Gordon discloses “detecting the page numbers of the available menu pages” in that the whenever a new selection is made, the system downloads an applet corresponding to that selection and either launches a new menu that provides further options for the subscriber or displays a selected program.)

and selecting a second menu page upon activation of said menu item for switching to another menu page, wherein the second menu page has the first or last page number from among the available menu pages within the defined range of menu pages and wherein the first and second menu pages are retrieved from different storage media. (Fig 4→ Gordon discloses “selecting a second menu page upon activation of said menu item for switching to another menu page, wherein the second menu page has the first or last page number from among the available menu pages within the defined range of menu pages and wherein the first and second menu pages are retrieved from different storage media.” in that the whenever a new selection is made, the system downloads an applet corresponding to that selection and either launches a new menu that provides further options for the subscriber or displays a selected program.)

Claim 2:

Gordon discloses:

Method according to claim 1, wherein defining a range of page numbers is also based upon the page number of said first menu page. (Fig 5-6 → Gordon discloses "defining a range of page numbers is also based upon the page number of said first menu page" in that the menu contains a list of selections of a sub-menu because the page numbers are functionally equivalent to pointers that designate a selection or a new sub-menu.)

Claim 3:

Gordon discloses:

Method according to claim 2, wherein said range is further defined by a page number of another menu page that is stored on the same storage medium as the first menu page. (Fig 4→ Gordon discloses "range is further defined by a page number of another menu page that is stored on the same storage medium as the first menu page." in that the whenever a new selection is made, the system downloads an applet corresponding to that selection and either launches a new menu that provides further options for the subscriber or displays a selected program.)

Claim 4:

Gordon discloses:

Method according to claim 1, wherein said range is defined by a placeholder within said data associated with said command. (Fig 4→ Gordon discloses “range is defined by a placeholder within said data associated with said command” in that the whenever a new selection is made, the system downloads an applet corresponding to that selection and either launches a new menu that provides further options for the subscriber or displays a selected program. A place holder is functionally equivalent to a pointer.)

Claim 5:

Gordon discloses:

Method according to claim 1, wherein said data associated with said contain a numeric value and the range of page numbers is defined by the numeric value and the page number of said first menu page, (Fig 5-6 → Gordon discloses “contain a numeric value and the range of page numbers is defined by the numeric value and the page number of said first menu page” in that the menu contains a list of selections of a sub-menu because the page numbers are functionally equivalent to pointers that designate a selection or a new sub-menu.)

and wherein number from among the available menu pages within the defined range the next higher page number relative to the page number of said first menu

page is selected if the numeric value indicates a higher page number than the page number of the first menu page. (Fig 5-6 → Gordon discloses "wherein number from among the available menu pages within the defined range the next higher page number relative to the page number of said first menu page is selected if the numeric value indicates a higher page number than the page number of the first menu page" in that the user can click on "up" or "more" to view more commands.)

Claim 6:

Gordon discloses:

Method according to claim 1, wherein a menu page is stored in a separate file, or selectable portion of a file, and the page number is determined by the name of the file, or the name of the file and the selectable portion within the file, in which it is stored. (Fig 4 → Gordon discloses "menu page is stored in a separate file, or selectable portion of a file, and the page number is determined by the name of the file, or the name of the file and the selectable portion within the file, in which it is stored" in the hardware in the computer stores the menu is a cache memory or permanent storage either within the software itself or in a separate file designating a menu.)

Claim 7:

Gordon discloses:

Method according to claim 1, wherein the page number associated with the first or second menu page depends on user specific settings. (Fig 4→ Gordon discloses

"the page number associated with the first or second menu page depends on user specific settings" in that the whenever a new selection is made, the system downloads an applet corresponding to that selection and either launches a new menu that provides further options for the subscriber or displays a selected program. A place holder is functionally equivalent to a pointer.)

Claim 12:

Gordon discloses:

Method according to claim 1, wherein detecting of the page numbers of the available menu pages includes detecting if the corresponding AV content selectable from said menu page is also available. (Fig 4 → Gordon discloses "detecting of the page numbers of the available menu pages includes detecting if the corresponding AV content selectable from said menu page is also available" in that the whenever a new selection is made, the system downloads an applet corresponding to that selection and either launches a new menu that provides further options for the subscriber or displays a selected program. In other words, the system would not be able to download the applet if it is not available.)

Claim 13:

Claim 13 corresponds to Claim 1.

Claim 14:

Gordon discloses:

Apparatus according to claim 13, wherein detecting the allowed range of page numbers of the next menu page to be displayed comprises comparing a received number with the current menu page number, wherein the received number is defined within said request. (Fig 4 → Gordon discloses " detecting the allowed range of page numbers of the next menu page to be displayed comprises comparing a received number with the current menu page number, wherein the received number is defined within said request" in that the whenever a new selection is made, the system downloads an applet corresponding to that selection and either launches a new menu that provides further options for the subscriber or displays a selected program. In other words, the system would not be able to download the applet or detect the next set of menus if they are not available.)

Claim 15:

Gordon discloses:

Optical storage medium for storing audio-visual content and menu data for a multi-page menu, wherein menu pages have page numbers, and wherein at least a first menu page contains a command for selecting a second menu page, wherein the command for selecting a second menu page specifies a range of two or more menu pages to select, and a predefined rule specifies which menu page of the range of menu pages is selected next; (Fig 4 → Gordon discloses " detecting

of the page numbers of the available menu pages includes detecting if the corresponding AV content selectable from said menu page is also available" in that the whenever a new selection is made, the system downloads an applet corresponding to that selection and either launches a new menu that provides further options for the subscriber or displays a selected program. In other words, the system would not be able to download the applet or detect the next set of menus if they are not available.)

and for at least one page number within said range no relating menu page is stored on the optical storage medium. (Fig 5-6 → Gordon discloses "at least one page number within said range no relating menu page is stored on the optical storage medium" in that the unrelated page number is a selection on a menu.)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SOUMYA DASGUPTA whose telephone number is (571)272-7432. The examiner can normally be reached on M-Th 9am-7pm, F 9am-1pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD

/Doug Hutton/
Doug Hutton
Supervisory Primary Examiner
Technology Center 2100